

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICHARD L. ALLEN,

)

4:07CV3036

)

Petitioner,

)

)

v.

)

**MEMORANDUM
AND ORDER**

)

ROBERT HOUSTON,

)

)

Respondent.

)

This matter is before the court on its own motion. On August 27, 2007, this court entered an order requiring Respondent to file a brief and state court records in support of its Answer. (Filing No. 11.) Thereafter, Petitioner had thirty days in which to file a brief in response. (*Id.*) Respondent filed a Brief in Support and State Court Records in support of his Answer on October 2, 2007. (Filing Nos. 12-14.) However, Petitioner did not submit a response. On the court's own motion, Petitioner shall have until March 25, 2008, in which to respond to Respondent's Answer and Brief in Support. If no response is filed, the court will rule on the merits of Petitioner's Petition for Writ of Habeas Corpus without further notice.

IT IS THEREFORE ORDERED that:

1. Petitioner shall have until March 25, 2008 in which to file a response to Respondent's Answer and Brief in Support. In the absence of a response, the court will rule on the merits of Petitioner's Petition for Writ of Habeas Corpus without further notice.

2. In the event that Petitioner files a response, no later than 30 days after the filing of Petitioner's response, Respondent shall file and serve a reply brief.

3. No discovery shall be undertaken without leave of the court. *See* Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts.

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: March 25, 2008: check for the filing of Petitioner's response.

Dated February 25, 2008.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge